



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1968 OF 2026

SUNDAR NATTHU PAWAR
VERSUS
POSALYA ROTU BHIL PADVI

Advocate for the Petitioner : Mr. S. S. Renge
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CORAM : S. G. CHAPALGAONKAR, J.

Date : 16th March, 2026

ORDER :-

1. The present petition is filed with following prayer :-

“C. By issuing writ of Mandamus or any other appropriate writ order or direction in the like nature, the impugned order dated 29/08/2025 passed by the Ld. C.J.S.D. Shahada, below Exh. 39 in R.D. No. 10/2020 thereby wrongly allowing the application of plaintiff, may kindly be quashed and set aside.”

2. Indisputably, the petitioner has suffered a decree in Regular Civil Suit No. 05 of 2016. The decree was passed on the finding that the Decree Holder (DH) was in possession of the suit land and that the petitioner was interfering with the same. It appears from the record that the petitioner is consistently disturbing the possession of the respondent, thereby willfully disobeying the injunction order passed by the Court. In this background, the respondent filed an application under Order XXI

Rules 37 and 38 of the Code of Civil Procedure (CPC).

3. The learned Trial Court observed in paragraph No. 9 of the order that the conduct of the Judgment Debtor (JD) clearly shows that he not only violated the terms of the injunction but also persisted in doing so. It appears that during the pendency of the application, a proposal was given to the petitioner to desist from his activities, but he did not agree to the proposal. Apparently, the petitioner is bent upon violating the injunction order passed in R.C.S. No. 05 of 2016. The Trial Court has, therefore, rightly exercised its jurisdiction under Order XXI Rule 37 of the CPC and issued an arrest warrant for his detention in civil prison. Clause 2 of the operative part of the order shows that an opportunity was given to the petitioner to file an affidavit undertaking that he would not obstruct the possession of the DH in the future. However, the petitioner did not file such an undertaking and instead approached this Court under Article 227 of the Constitution of India.

4. In the circumstances, this Court finds no reason to exercise its jurisdiction under Article 227 of the Constitution of India or to interfere with the impugned order. The writ petition is rejected accordingly.

(S. G. CHAPALGAONKAR, J.)

Omkar Joshi